

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1300 PLD



Project Name: RACHEL'S RANCH

Case Number: PLD2009-00051; SEP2009-00088; VAR2009-00014;
WET2009-00066; BLA2009-00035; EVR2009-00047

Location: NE 114th Street and NE 132nd Avenue

Request: The applicant is requesting to subdivide 7 acres into 40 single-family residential lots located in the R1-5 zone district using density transfer.

Applicant: Osprey Ventures LLC
Dan Wisner
4910 NW 127th St
Vancouver, WA 98685
(360)607-7849
ddwisner@comcast.net

Contact Person: Sturtevant, Golemo & Associates
Scott Taylor
2005 Broadway
Vancouver, WA 98660
(360)993-0911; (360)993-0912 fax
staylor@sgaengineering.com

Property Owner: Same as applicant

Zoning: R1-5

RECOMMENDATION

Denial, based on lack of proof of offsite easements

Development Services Manager's Initials: MB

Date Issued: December 30, 2009

Public Hearing Date: January 14, ~~2009~~ 2010

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Development Services Manager:	Michael Butts	4137	Michael.Butts@clark.wa.gov
Planner:	Jan Bazala	4499	Jan.bazala@clark.wa.gov
Wetland Biologist:	Brent Davis	4152	Brent.Davis@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Tom Grange P.E.	4102	Tom.Grange@clark.wa.gov
Engineer (Trans. & Stormwater):	David Bottamini	4881	David.bottamini@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
Engineer (Trans. Concurrency):	David Jardin	4354	David.jardin@clark.wa.gov
Fire Marshal Office	Tom Scott	3323	tom.scott@clark.wa.gov

Applicable Laws:

Clark County Code: Title 15 (Fire Prevention), Section 40.220.010 (Single-Family Residential District), Section 40.320 (Landscaping), Section 40.350, (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.380 (Storm Water Drainage and Erosion Control), Section 40.450 (Wetland Protection Ordinance), Sections 40.500 and 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.550.010 (Road Modifications), Section 40.550.020 (Variances), Section 40.570 (SEPA), Section 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Contact:

Greater Brush Prairie Neighborhood Association

Sam Kim, President

14915 NE 126 Avenue

Brush Prairie, WA 98606

896-7119

E-mail: brushprairie@comcast.net

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on April 23, 2009. The pre-application was determined to be contingently vested as of April 1, 2009 (i.e., the date the fully complete pre-application was submitted)].

The fully complete application was submitted on October 8, 2009 and determined to be fully complete on October 29, 2009. Given these facts the application is vested on April 1, 2009.

There are no disputes regarding vesting.

Time Limits:

The application was determined to be fully complete on October 29, 2009 (see Exhibit No. 7). Therefore, the County Code requirement for issuing a decision within 92 days lapses on January 29, 2010. The State requirement for issuing a decision within 120 calendar days, lapses on February 26, 2010.

Public Notice:

Notice of application and public hearing was mailed to the applicant, the Greater Brush Prairie Neighborhood Association and property owners within 300 feet of the site on November 10, 2009. One sign was posted on the subject property and two within the vicinity on December 30, 2009.

Public Comments:

Exhibit 10: e-mail and photos from Howard Foreman, owner of the property at 12915 NE 111st Street.

Mr. Foreman identified existing flooding issues on the southern portions of the Mountain View Subdivision. He also notes that the county installed a pump to reduce the amount of water that ponds in this area. Mr. Foreman opined that a lawsuit may have prompted the installation of the pump.

Staff response: Staff researched the history of flooding on the abutting site. Although no evidence of a lawsuit exists, the county did indeed install a pump which helps drain the site, ultimately to the China ditch. The applicant was sent Mr. Foreman's comments and photos. The applicant's response (See Exhibit 11) states that the stormwater provisions that will be constructed with this project will not exacerbate the existing situation.

The area in question is connected to the wetland on the site.

Exhibit 12: SEPA comments from the Department of Ecology submitted a letter advising:

- Wetland permits with DOE have not been submitted, and could possibly be required
- If contaminated soils are encountered that DOE shall be contacted; remedial may be necessary Water quality from must be protected from erosion and surface contaminants
- Water wells, if existing, must be properly abandoned

Staff response: The applicant has been provided with a copy of the DOE letter and is separately responsible for compliance with all state and federal regulations. Compliance with the county Stormwater and Erosion Control ordinance will prevent adverse impacts off site. The county will review and monitor implementation of the applicant's erosion control plan. Erosion control measures will be monitored by county inspection staff during construction of the subdivision. Existing water wells will be properly abandoned per Condition B-1.b.

Project Overview

The 7 acre site is located in the south Brush Prairie area. The property is currently developed with two residences and horse boarding facilities.

The site and surrounding properties are all zoned R1-5, although the parcel kitty-corner to the southeast is zoned Mixed Use. The site's prior Urban Holding status was removed July 23, 2008.

The property to the east is the potential site of a 42 acre Planned Unit Development subdivision, tentatively titled the Parker Property Subdivision.

To the west is the Mountain View subdivision, platted in 1978, consisting of 1-acre lots.

The site and surrounding properties are nominally level, although a Type IV wetland exists in a slight depression that runs east to west through the southern third of site. The wetland appears to extend to the west, within a drainage easement across the southernmost portion of the Mountain View Subdivision. The applicant has requested a wetland permit to fill Category IV wetlands, modify wetland buffers, and construct stormwater facilities within the wetland buffers. The direct wetland impact (fill) is less than 0.1 acre.

The site is within the following districts:

Battle Ground School District;

Park District 5;

Clark Regional Wastewater;

Clark Public Utilities Water; and,

The North Orchards Traffic Impact Fee Area.

The application proposes 40 lots, in two phases, using the Density Transfer provisions of 40.220.010. Revisions to the preliminary plat and stormwater plan and report were submitted December 21, 2009; these are the documents on which staff has based this recommendation. **(See Exhibits 15, 16 and 20)**

Mitigations for wetland encroachments will be required through wetland permit WET2009-00066.

Modifications to the road standards are requested through EVR2009-00047.

Lots 1 and 11 are dependent on a legal transfer of land through BLA2009-00035.

A stormwater variance to allow construction of stormwater infiltration facilities within public right-of-way has been requested under VAR2009-00014.

The proposal will require offsite easements for turnarounds and an extension of a needed public street (132nd Avenue). The applicant does not currently have adequate proof that these easements can be obtained; as a result the county recommends denial of the project. In the event that adequate proof can be provided prior to the hearing, staff will reverse this recommendation to approval.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-5	Two single family residences and horse boarding facilities
North	UL	R1	Single family residence and abandoned outbuildings on 3 acres
East	UL	R1	Single family residence and agricultural buildings/uses on 42 acres. Potential site of Parker Property Subdivision
South	UL	R1	Single family residence on 5 acres
West	UL	R1	Single family residences on 1 acre lots

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts could be mitigated through application of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposal not discussed below comply with the applicable code requirements.

LAND USE:

Land Use Finding 1 - Development Standards

Because the site has a significant proportion of wetland areas, the density transfer provisions of Section 40.220.010 are proposed. CCC 40.220.010.C.5.b.(2) specifies that "the maximum number of units that can be achieved on the site is based on the density in Table 40.220.010-4, multiplied by the gross acreage of the entire site, both encumbered and unencumbered, without deducting for road easements or right-of-way. The potential maximum number of lots will be dependent upon site characteristics and the lot requirements of Table 40.220.010-4."

Multiplying 7.12 (acres) X 6.9 (Maximum density for the R1-5 zone in Table 40.220.010-4) equals a maximum number of 49 lots.

The proposal is for 40 lots, less than the maximum allowed.

The minimum lot depth of any lot abutting environmentally sensitive lands shall be fifty-five (55 feet).

All such lots meet the minimum depth requirement.

The subject property is larger than 2.5 acres. Per CCC 40.220.010.C.5.b.(4), resulting lots abutting adjacent single family zoned properties must be at least 4,500 square feet (90% of 5,000). In addition, these parcels shall have a minimum lot depth of 60 feet and a minimum lot width of 35 feet.

Interior lots shall meet the following:

Average lot width—35 feet

Average lot depth—50 feet

Minimum usable lot area—2,250 square feet

All the proposed lots meet the above requirements; however, fence encroachments on Lots 15, 16, and 17 will need to be resolved to the applicant's benefit for those lots to meet minimum lot area. If the encroachments are not resolved to the benefit of the applicant, it appears that some minor shifting of the street system and nearby lots with the final plat could still allow these lots to meet the above standards.

In addition, Lots 1 and 11, located within the flagpole of the site, will not meet the required 35 foot width without a successful boundary line adjustment. If a successful BLA is not accomplished, Lots 1 and 11 will likely become part of Lot 12.

If a significant change is proposed to adjust some or all of these lots, a post decision review may be necessary. (See Condition D-1)

The applicable setbacks for each lot in the R1-5 zone, in accordance with Table 40.220.010-3, are as follows:

- Front – 20 feet
- Side – 5 feet
- Rear – 5 feet

Building setbacks that meet these requirements have been shown on the preliminary plat.

Land Use Finding 2 – Phasing

Under 40.540.040.D.4, each phase of a subdivision must meet code requirements independently.

Phase I includes 31 of the 40 lots, and anticipates the construction of a temporary cul-de-sac at the end of NE 112th Street. Phase II will require an extension of NE 132nd Avenue from the 112th Street temporary turnaround to access the 9 remaining lots. To ensure that the extension of NE 132nd Avenue does occur as a result of this development, the construction of 132nd Avenue will be required prior to final plat for Phase I; it's possible that the county could accept a bond in lieu of construction. **(See Transportation Finding 3 and Condition A-4.a)**

Stormwater facilities and wetland mitigations must be included in Phase I. This ensures that the impacts to the wetland are mitigated.

Land Use Finding 3 – Landscaping

Per Table 40.320.010-1, since the site is surrounded on all sides by single family zoning, perimeter landscaping is not required for the site; however, street trees are required for the proposed arterial NE132nd Avenue. **(See Conditions A-11 and D-3)**

Land Use Finding 4 – Removal of existing structures

There are two residences and several outbuildings on the site. The applicant will be required to obtain a demolition permit and comply with Southwest Clean Air Agency (SWCAA) requirements. **(See Condition B-1.c)**

Land Use Finding 5 – SEPA checklist

Within the SEPA checklist, references to a threatened Burning Bush plant and habitat conservation plan are typos. No such plants or habitat areas exist on the site.

Land Use Finding 6 – School transportation

The site is over one mile from the closest school. The application includes a letter from the Battle Ground School district that students will be bused to schools.

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

ARCHAEOLOGY:

The applicant has submitted an archaeological pre-determination to the State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application. The DAHP concurs with the recommendation of the pre-determination that no additional studies are necessary; however, a note on the final construction plans and

plat will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted. (*See Conditions A-3.a and D-9.b*)

Conclusion (Archaeology):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

WETLANDS:

Wetland Finding 1 - Determination

The site contains Category IV wetlands. The wetlands and wetland buffers were determined under a previously issued wetland determination (WET2009-00066, Exhibit 18). Wetland A (Figure 7, Tab 24, Exhibit 6) has a reduced buffer of 30 ft. based on CCC 40.450.030.E.4.c. The Existing Conditions Plan (Exhibit 5) only shows the wetland boundaries. The preliminary wetland mitigation plan (Figure 8, Tab 24, Exhibit 6) show the correct wetland and buffer boundaries for wetland A, but the required buffers for wetlands A2 and A3 are 50 ft. The Final Mitigation Plan and Engineering Construction Plans must be revised to show the correct wetland buffer boundaries. (*See Conditions A-1 and A-2*)

Wetland Finding 2 - Mitigation ratio

The applicant proposes to fill 4253 sq. ft of wetlands A and A2 for the construction of a half-width street (NE 132nd Ave.) and lots 30 and 31. Mitigation for this fill is proposed as combined creation (4783 sq. ft.) and enhancement (7507 sq. ft.). The proposed mitigation exceeds the required ratios in Table 40.450.040-1, leaving 1121 sq. ft. of enhancement available to mitigate for other impacts

Wetland Finding 3 - Buffer correction

The buffers required for the proposed wetland creation areas are 50 ft in accordance with CCC 40.450.040.D.6. The applicant has assumed that the 30 ft. buffers for Wetland A apply, therefore the calculations in the mitigation plan (Tab 24, Exhibit 6) for buffer impacts and buffer mitigation areas are incorrect. Staff has prepared Exhibit 19 to illustrate the impact the correct buffers have on the mitigation plan.

Wetland Finding 4 – Replacement area insufficient for 40.450.040.C.3

The applicant proposes to average wetland buffers to avoid indirect impact adjacent to the proposed fill. Staff has concluded that the proposed reduction areas are significantly larger (Exhibit 19) and the replacement area is insufficient to comply with 40.450.040.C.3.

Wetland Finding 5 - Replacement area insufficient for 40.450.040.C.5

The applicant proposes to use buffer replacement to offset buffer loss from the construction of NE 132nd Ave. Because of the requirement for 50 ft. buffers on the wetland creation areas, there is insufficient buffer replacement area to comply with CCC 40.450.040.C.5.

Wetland Finding 6 - Feasible alternative

Staff prepared Exhibit 19 to analyze the feasibility of revising the mitigation plan to comply with 40.450 and determined that the standards of the ordinance can be met with the following modifications to the proposed plat and mitigation plan:

- A) Extend the enhancement to the proposed wetland creation area (this is shown in the enhancement area calculated in Exhibit 19). This increases the enhancement area to approximately 11,780 sq. ft.
- B) Construct retaining walls adjacent to lots 30 and 31 and on the west side of NE 132nd Ave. and enhance the remaining wetland. This will replace 2,273 sq. ft. of wetland fill with 2,720 sq. ft. of indirect wetland impact and increase the total wetland enhancement area to approximately 14,500 sq. ft. Any proposed retaining wall at the buffer boundary will need to be constructed prior to Final Plat approval.
- C) Propose a reduction of land use intensity to reduce the required buffers on Wetlands A3 and A2 and the created wetlands to 40 feet. The following conditions must be met to comply with CCC 40.450.040.C.1:
 - (1) Buffer Enhancement. The buffers must be enhanced for water quality function by establishing dense coverage of native shrubs.
 - (2) Shielding High Intensity Uses. Rear yard lighting on Lots 25-33 and side yard lighting on lot 33 and 34 must be directed down or away from the wetland and a fence must be provided at the buffer boundary on each of these lots to minimize access to the wetland by pets and residents of the development.
 - (3) Surface Water Management. As much of the discharge of roof drains and yard drainage from lots 25 through 34 as possible must be directed to the wetland buffer in order to disperse the flow of run-off from the development to the wetland.

The conservation covenant required under 40.450.030.F.3, and CC & Rs, if an HOA is proposed, will need to include restrictions on rear yard lighting and maintenance of fencing and roof drainage on the specified lots. **(See Conditions D-8 and D-9.e)**

- D) Adjustment of the lot boundaries to provide approximately 680 sq. ft. of additional buffer area for buffer averaging and buffer replacement.

With these modifications, the standards of CCC 40.450.040.C and D can be met. Additionally, since the proposed impacts are below the County's threshold for requiring public notice or SEPA review, the applicant may propose any mitigation alternatives (e.g. reduction in the number of lots or off-site mitigation) that meet these standards in the Final Wetland Mitigation Plan. Prior to Engineering Construction Plan approval, the applicant must have an approved Final Wetland Permit. Note that significant changes in the Plat to meet this condition may require Post Decision Review. **(See Conditions A-1 and A-2)**

Wetland Finding 7 - Stormwater facilities in wetland buffer

The applicant proposes to construct stormwater facilities within the wetland buffer. All stormwater facilities located in wetland buffers must comply with CCC 40.450.040.C.4. Design details demonstrating that these standards have been met must be included in

the Final Mitigation Plan and shown on the Engineering Construction Plans. **(See Condition A-1.b)**

Conclusion (Wetlands):

Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed preliminary plat and preliminary wetland permit can comply with the requirements of the Wetland Protection Ordinance PROVIDED that certain conditions are met. Therefore, the requirements of the preliminary plan review criteria are satisfied.

TRANSPORTATION:

Transportation Finding 1 – Pedestrian/bicycle circulation plan

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The proposal meets the pedestrian circulation code.

Transportation Finding 2 – Road cross-circulation

The applicant has provided a cross-circulation plan. The proposed plan provides sufficient circulation in all directions. The applicant has proposed an intersection of NE 112th Street with NE 132nd Avenue that lines up with an intersection that is a part of proposed Parker Property Subdivision (PAC2009-00083, applicant - Columbia Rim Corporation) associated with parcel numbers 200329-000 and 200369-000 to the east. Therefore, staff finds that the project complies with the circulation plan requirements, section CCC 40.350.030.B.2.

Transportation Finding 3 – Roads

NE 132nd Avenue is an "Urban Minor Arterial", M-2cb. It is anticipated that the proposed Rachel's Ranch Subdivision and Parker Property Subdivision to the east (on parcel #200329-000 and 200369-000) will each construct half of the roadway.

The applicant has proposed the required half-width improvements, including 40 feet of right-of-way, 23 feet of paved street width, curb, gutter, and sidewalk. The applicable Standard Detail Drawing #10 includes a requirement for the detached sidewalk to be at least 4 feet from the curb.

Originally, the applicant proposed to construct NE 132nd Avenue under Phase II. Under that scenario, the developer of Phase II would be faced with constructing a lengthy roadway to serve a relatively small number of lots; as a result, staff responded that NE 132nd Avenue should be constructed prior to the Phase I final plat. The applicant requested to bond the required frontage improvements with Phase I instead of having to construct the improvements prior to Phase I final plat approval **(See Exhibit 17)**. Staff believes this may be acceptable, provided that the applicant is able to justify approval of bonded improvements through a road modification application prior to final engineering plan approval. The applicant requests that the road modification application be reviewed without an associated post decision review. Staff supports the applicant's request. Parking is prohibited along partial-width roadways with the signs and pavement markings being the responsibility of the applicant. **(See Condition A-4.a)**

The project proposes temporary turnarounds at the eastern end of NE 112th Street (to be completed with Phase I) and at the southern end of NE 132nd Avenue (to be completed with Phase II). Both turnarounds, as well as the southern portion of the required half width of NE 132nd Avenue between the two turnarounds, are located on Parcel #200329-000 to the east, site of the proposed Parker Property Subdivision. This parcel is not owned by the applicant.

A small portion of frontage exists on NE 114th Street to the north. NE 114th St. is an "Urban Neighborhood Circulator", the applicant has proposed half-width improvements including 30 feet of right-of-way, 18 feet of paved width, a detached 5-foot sidewalk, curb, and gutter which meets the minimum frontage improvement requirements and exceeds the right-of-way dedication. Proposed lot #1 will take access from NE 114th Street.

The proposed on-site roadway, an extension of NE 111th Street from the west, is an "Urban Local Residential" access roadway. The applicant has proposed improvements that meet the minimum requirements of 46 feet of right-of-way, 28 feet of paved width, curbs, gutters, and sidewalks. A private road will serve proposed lots 8, 9, #13, #14, and #15. A joint driveway onto the private road will provide access to lots # 10, #11 and #12.

The applicant has proposed a temporary turnaround at the southern end of proposed NE 132nd Avenue. CCC 40.350.030(B)(9)(b)(2) requires that removal of a temporary turnaround and extension of sidewalk shall be the responsibility of the developer who extends the road. The party responsible for removal of the temporary turnaround shall be identified on the face of the plat. **(See Condition D-9.i)**

Transportation Finding 4 - Access

Per CCC 40.350.030 (B)(4)(b)(1)(b), corner lot driveways shall have a minimum separation of 50 feet from the intersecting property lines or where this is impractical, the driveway may be located 5 feet from the property line away from the intersection or as a joint use driveway at this property line. **(See Condition A-4.c)**

Direct driveways access onto NE 132nd Avenue, an arterial road, will not be permitted. **(See Condition D-9.f)**

Transportation Finding 5 – Sight distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections.

The applicant has submitted a sight distance analysis letter dated October 8, 2009. Sight distance shall be complied with including at the intersection of NE 114th Street and NE 130th Avenue as all trips are proposed to take access to the intersection. **(See Condition A-4.d)**

Transportation Finding 6 - Phasing

The applicant is responsible for providing all necessary transportation improvements required for each individual phase including temporary turnarounds. The design of the required transportation improvements for each proposed phase will be reviewed during final engineering review. **(See Condition A-4.e)**

Transportation Finding 7- Road Modification

The applicant had requested a modification to use a shed section for the proposed private road. A road modification is no longer needed since a shed section is now allowed outright per the updated Standard Detail Drawing #17A .

Transportation Finding 8 – Proof of the applicant's ability to obtain permission for offsite improvements

As evidence that the applicant has the ability to construct the needed turnarounds offsite, the applicant has produced an unsigned agreement between the Columbia Rim Corporation and Osprey Homes **(see Exhibits 21 and 22)**. As of the date of the issuance of the staff report, #200329-000 is still owned by the Rosemary Parker trust. Staff does not doubt that Columbia Rim is in negotiations to purchase the property from the Parker trust; however, there is currently no concrete agreement between the owner of #200329-000 to allow the offsite improvements. Therefore, staff cannot find the project feasible at this time. In the event that a legal agreement can be provided prior to the hearing, staff is willing to reverse the recommendation to approval.

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, **does not** meet the transportation requirements of the Clark County Code. The only exception to a recommendation of approval, subject to conditions, is the lack of proof of off-site easements.

TRANSPORTATION CONCURRENCY:

Transportation Concurrency Finding 1 - Trip generation

The applicant has submitted a traffic study that indicates that the proposed Rachel's Ranch Subdivision will consist of 40 new detached single family homes. The applicant's traffic study has also estimated the weekday a.m. peak-hour trip generation at 29 new trips, while the p.m. peak-hour trip generation is estimated at 39 new trips using nationally accepted data published by the Institute of Transportation Engineers.

The applicant has submitted a traffic study under the provisions of Clark County Code section 40.350.020 (D)(1). The site is located at 13115 NE 114th Street in Vancouver.

Transportation Concurrency Finding 2 - Site access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the

driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Congestion, or concurrency, level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The submitted traffic study shows that the proposed development will extend NE 111th Street into the site. The development will use the newly extended NE 111th Street and NE 130th Avenue as the primary ingress/egress location to access NE 114th Street. Further, once NE 132nd Avenue is extended south and becomes available for use, the proposed NE 112th Street will connect and become an additional ingress/egress location.

The traffic study indicates that study intersections will have an estimated LOS D or better through a three-year future build-out period. The study also shows that the LOS was evaluated at both the am and pm peak hour traffic conditions in existing and build-out scenarios. County Staff concurs with the traffic study findings.

Transportation Concurrency Finding 3 - Concurrency

The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 1 mile of the proposed development. Typically, the County's transportation model is used to determine what urban area developments are currently being reviewed, approved, or is under construction and in the vicinity of the proposed development. The traffic these developments generate is referred to as "*in-process traffic*" and will ultimately contribute to the same roadway facilities as the proposed development. This "*in-process traffic*" is used to evaluate and anticipate area growth and its impact on intersection and roadway operating levels with and without the proposed development, helping to determine if roadway mitigation necessary to reduce transportation impacts.

The "*in-process traffic*" information that can be obtained from the County's transportation model is from developments that generate 10 vehicle trips or more (10, or more, single family lots) in the PM peak hour travel time. Developments, in an urban area, that have fewer than 10 vehicle trips (less than 10 single family lots) in the PM peak hour travel time do not explicitly get shown in the County's model, but, are accounted for in a "*background growth rate*" (1% per year). This "*background growth rate*" is a conservative rate to capture the collective effect from all of the smaller developments in the immediate area and out of area traffic also.

Signalized Intersections

The applicant's study shows the one-mile radius study area, which included regionally significant signalized intersections. The County's model evaluated the operating levels, travel speeds and delay times for the remaining regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds of delay in the build-out year. Therefore, County Staff has determined that this development will

comply with adopted Concurrency standards for signalized intersections.

Unsignalized intersections

County Staff has performed an evaluation of the operating levels and delay standards of unsignalized intersections within the one-mile study area. The County's model indicates that the intersections of regional significance in the development area will operate, during both the am and pm peak hours, with a LOS better than the minimum allowable LOS E for unsignalized intersections, with the exception of the NE 117th Avenue/NE 107th Street intersection.

The County's Traffix TM model reports a LOS F upon build-out of the proposed development for the intersection NE 117th Avenue/NE 107th Street in its current configuration. County staff has consulted with the WSDOT regarding this intersection and staff from both agencies concur that a traffic signal and/or other intersection improvements are warranted at this location.

The applicant's traffic study indicates that there are no trips assigned to the failing approach in the NE 117th Avenue/NE 107th Street intersection. Staff concurs with the applicant's traffic study findings. Because this proposed development will not contribute to the degradation of the NE 107th Street/NE 117th Avenue intersection, additional analysis or mitigation at the intersection of NE 107th Street/NE 117th Avenue is not required.

The County has determined that this development will comply with adopted Concurrency Standards for unsignalized intersections with required mitigations as outlined above.

Concurrency corridors

Evaluation of the concurrency corridor operating levels and travel speeds represented in the County's model of the study corridors of regional significance, under County Jurisdiction, yielded operating levels and travel speeds with an acceptable level of service.

Summary

The County has determined that this development will comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction with required mitigations as outlined above.

The County incurs costs to analyze the proposed development's impacts; therefore, the applicant shall reimburse the County for costs incurred in running the concurrency model. **(See Condition A-5).**

SAFETY:

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Transportation Concurrency Finding 5 - Turn lane warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The submitted traffic study did not analyze turn lane warrants on NE 111th Street, because it is a street extension not the creation of an intersection.

Staff has further determined that turn lanes were not warranted at the intersection of NE 114th Street/NE 130th Avenue due to low turning volumes.

Transportation Concurrency Finding Finding 6 - Historical accident situation

The applicant's traffic study analyzed the crash history as obtained from Clark County for a 5-year period, January 2004 – December 2008 and Washington State Department of Transportation (WSDOT) from January 2004 - May 2008. The crash history was obtained for the intersections of :

- NE 119th Street/NE 117th Avenue (SR 503);
- NE 119th Street/NE 132nd Avenue;
- NE 99th Street/NE 124th Avenue; and,
- NE 99th Street/NE 117th Avenue (SR 503).

The intersection crash rates, for all study intersections except NE 119th Street/NE 132nd Avenue, do not exceed thresholds that would warrant additional analysis.

County staff reviewed the crash history at the intersection of NE 119th Street/NE 132nd Avenue to determine if there is mitigation that could lessen the crash potential. This review helped staff determine whether the proposed development should be required to mitigate the potential for future crashes.

A review of the crash history at the intersection of NE 119th Street/NE 132nd Avenue shows that most of the crashes reported were angle type collisions.

It appears that these crashes are due to speeding or inattentive drivers. These types of crashes can not be mitigated with intersection improvements. For example, at the intersection of NE 119th Street/NE 132nd Avenue, county staff review found twelve reported crashes between January 2004 and December 2008. Eight crashes were angle type accidents, where drivers have run stop signs and failed to yield to oncoming traffic. Other crash types included sideswipes, head on and obstacle in-road avoidance collisions.

Based on the nature of the crashes shown in the crash history, County staff believes this proposed development can not provide mitigation for the increase in traffic generated to reduce the collision types at the intersection of NE 119th Street/NE 132nd Avenue. Therefore, no additional mitigation is required.

Transportation Concurrency Finding 7 - Sight distance

Sight distance issues are addressed by Development Engineering; therefore, this issue will not be addressed here.

Conclusion (Transportation Concurrency):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the transportation concurrency requirements of the Clark County Code.

STORMWATER:

Stormwater Finding 1 - Applicability

The application is vested under the Stormwater and Erosion Control Ordinance (CCC 40.380), which applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities not exempted in section 40.380.030.

The project will create more than 2,000 square feet of new impervious surface, involves platting of a single-family residential subdivision, and is a land disturbing activity not exempted in section 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380).

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Stormwater Finding 2 – Stormwater proposal

The applicant has proposed a StormFilter (Contech Stormwater Solutions) and infiltration for proposed phase 1. A swale and detention facility have been proposed for phase 2. Per the applicant, infiltration rates were tested to be at least 100 inches per hour. The applicant proposes to utilize a safety factor of 5 resulting in an infiltration rate of 20 inches per hour for the purpose of the design of the infiltration facilities. An emergency overflow has been proposed for the infiltration system that drains to the proposed detention pond. Individual lot infiltration systems are also proposed. The StormFilter, infiltration system, and detention system are proposed to be publicly owned and maintained. A downstream analysis was provided by the applicant.

Per the geotechnical engineering report, groundwater was not found within 13.5 feet of the ground surface in September of 2009 in the location of the proposed infiltration system. Staff asked the applicant to provide a better determination of the elevation of the seasonal high groundwater. The geotechnical engineering report states that well logs in the vicinity of the site indicate the static groundwater level is between 65 feet to 134 feet below the existing ground surface. In a letter to staff dated December 10, 2009, the applicant states that on the Mountain View plan and profile record "G249"

dated March 5, 1975, there is a reference to an existing high water elevation of 265.3 feet. The applicant states the design assumes a conservative seasonal high water elevation of 266 feet and all detention and infiltration will occur above 266 feet.

It is unclear as to whether or not a closed depression exists within the vicinity of the southern area of the site. Stormwater may or may not drain past NE 124th Avenue to the west. The applicant shall verify whether or not a closed depression exists, and if one does, a closed depression analysis shall be performed during final engineering review. The applicant communicated to staff the willingness to perform the analysis if it is determined the analysis is required. **(See Condition A-7.a)**

Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high groundwater or an impermeable soil layer per CCC 40.380.040(C)(3)(c). **(See Condition A-7.b)**

During construction, the infiltration rates shall be verified in the field and corresponding laboratory testing shall also be performed. **(See Condition C-2)**

The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth as being 4.6 inches. The 10-year/24-hour storm event precipitation depth is 3.3 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 2.3 inches.

Stormwater Finding 3 – Stormwater variance (VAR2009-00014)

Stormwater ordinance requires stormwater facilities be placed within tracts outside of public right-of-way. The applicant has submitted a variance application for the allowance of locating an infiltration system in public right-of-way internal to the project. The preliminary stormwater plan proposes to locate the infiltration facility within the proposed right-of-way of NE 131st Avenue. The preliminary stormwater report indicates that all proposed infiltration systems were designed with the factor of safety of 5 for the lowest rate recommended by the geotechnical engineer; thus infiltration rate of 20 in/hr was used for the design. Also an emergency overflow has been proposed. Staff believes the applicant has addressed the critical elements for placing infiltration systems within the right-of-way

A geotechnical fabric shall be included in the portion of the sub-base of NE 131st Avenue above the proposed infiltration system in order to prevent settling above the infiltration system. **(See Condition A-7.c)**

Staff recommends approval of the stormwater variance subject to the associated condition.

Stormwater Finding 4 - Phasing

Each individual proposed phase shall be designed with sufficient stormwater management facilities and comply with CCC 40.380. The required stormwater improvements for each proposed phase will be reviewed by the final engineer. **(See Condition # A-7.d)**

Conclusion (Stormwater):

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Fire Protection Finding 1 – Fire marshal review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Fire Protection Finding 2 – Building construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. **(See Condition G-3)**

Fire Protection Finding 3 – Fire flow

Fire flow in the amount of 1000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is not currently available at the site. Upgrades to the water main supplying the development shall be provided to ensure that the required fire flow is available. **(See Condition 10.a)**

Fire Protection Finding 4 – Fire hydrants

Fire hydrants are required for this application. The indicated number and spacing of the fire hydrants is adequate.

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval contact the Vancouver Fire Department at 360-759-4418 to arrange for location approval. **(See Condition 10.b)**

Fire Protection Finding 5 - Access

The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard.

Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus.

Fire apparatus turnarounds are required and as indicated meet the requirements of the Road Standard.

Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING". **(See Conditions A-10.c, d, & e)**

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:**Finding 1 - Providers**

The site will be served by Clark Public Utilities and the Clark Regional wastewater sewer district. Letters from the above districts confirm that services are available near the site. Water and sewer lines can be extended from various locations; both utilities can be accessed through public rights-of-way if other preferred routes cannot obtain the necessary easements.

Finding 2 – Review of existing on-site systems

The site has an existing well and septic system. The existing wells and/or septic systems are proposed to be abandoned. Submittal of an acceptable "Health Department Final Approval Letter" to the county is required at the time specified in the evaluation letter. **(See conditions A-9 and B-1.a &b).**

Conclusion (Water & Sewer Service):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:**Finding 1 - Impact Fees**

The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

- North Orchards sub-area with a TIF of \$5,539.60 per dwelling.
- Battle Ground School District, with a SIF of \$8,290 per dwelling
- Park District #5, with a PIF of \$1,799 per dwelling (\$1,359 for park acquisition / \$440 for park development).

Impact fees will be waived for the one (1) existing dwelling. The final plat shall designate to which lot the waiver shall apply. **(See Conditions D-5.f and E-1)**

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). As lead agency, the county has determined that the requirements for environmental analysis, protection, and mitigation measures are adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws rules, as provided by RCW 43.21.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA. The proposal may include mitigation under applicable codes and the project review. This decision was made after review of a completed environmental checklist and other information on file with the County.

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on November 10, 2009 is hereby final.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Community Development Department within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section

40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner is final unless there is:

- A motion if filed for reconsideration within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 251.160; or,
- An appeal with Clark County Superior Court.

Staff Contact Person: Jan Bazala, (360) 397-2375, ext. 4499.
Planning Manager Mike Butts (360) 397-2375, ext. 4137.

Responsible Official: Michael V. Butts

**Public Service Center
Community Development Department
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>**

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 15), and the findings and conclusions stated above, staff recommends the Hearings Examiner **DENY** this request due to the lack of proof of required off-site easements. In the event that adequate proof of the required off-site easements is provided prior to the decision, staff reserves the right to change the recommendation to approval, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval (subject to obtaining required off-site easements)

A Final Construction Plan Review for Land Division Review & Approval Authority: Development Engineering

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Final Wetland Permit approval shall be required, consistent with the following:

- a. The Final Wetland Mitigation Plan shall be revised to demonstrate that the wetland and wetland buffer mitigation standards in CCC 40.450.040 C and D will be met. (see Wetland Finding 6 for a discussion of how this condition can be met with on-site mitigation and minor alterations to lot lines). Significant changes to the plat to meet this condition may require post decision review.
- b. The Final Wetland Mitigation Plan shall clearly demonstrate that all stormwater facilities located within the wetland buffer meet the design standards in CCCC 40.450.040.C.4.

A-2 A Wetland Plan shall be provided, consistent with the following:

- a. The engineering construction plans shall show the correct wetland buffers for all existing wetlands.
- b. The engineering construction plans shall clearly demonstrate that all stormwater facilities located within the wetland buffer meet the design standards in CCCC 40.450.040.C.4.
- c. If retaining walls are proposed to minimize wetland impacts, the location and design of these walls shall be included in the engineering construction plans.

A-3 Final Construction Plan – The applicant shall submit and obtain County approval of a final construction plan in conformance to CCC 40.350 and the following conditions of approval:

- a. Archaeology: A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

A-4 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall propose half-width frontage improvements for NE 132nd Avenue, including 40 feet of right-of-way, 23 feet of paved with, curb, gutter, and 6-foot detached sidewalk unless the applicant can justify bonding the physical improvements through a road modification. Parking is prohibited along partial width roadways with the signs and pavement markings being the responsibility of the applicant.
- b. A post decision review, pursuant to CCC 40.520.060, may be required if a substantial change is made to the preliminary transportation plan.
- c. Per CCC 40.350.030 (B)(4)(b)(1)(b), corner lot driveways shall be a minimum separation of 50 feet from the intersecting property lines or where this is impractical, the driveway may be located 5 feet from the property line away from the intersection or as a joint use driveway at this property line.
- d. The applicant is responsible for addressing the requirements of the sight distance section of code, CCC 40.350.030(B)(8), including at the intersection of NE 114th Street and NE 130th Avenue as all trips are proposed to take access to the intersection.
- e. The applicant is responsible for the design and construction of all necessary transportation improvements required for each individual phase including temporary turnarounds.

A-5 Final Transportation Plan/Off Site (Concurrency) – The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$2,000. (*See Transportation Concurrency Finding 3*)

A-6 Transportation:

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-7 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The applicant shall verify whether or not a closed depression exists, and if one does exist, a closed depression analysis shall be performed during final engineering review.
- b. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing

drainage from adjacent lots. The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high groundwater or an impermeable soil layer per CCC 40.380.040(C)(3)(c).

- c. A geotechnical fabric shall be included in the sub-base of a portion of NE 131st Avenue above the proposed infiltration system in order to prevent settling above the infiltration system.
- d. Each individual proposed phase shall be designed with sufficient stormwater management facilities in compliance with CCC 40.380.

A-8 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-9 Health Department Review - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department.

A-10 Fire Marshal Requirements:

- a. Fire Flow: Fire flow in the amount of 1000 gallons per minute supplied for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is not currently available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. **(See Fire Protection Finding 3)**
- b. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval contact the Vancouver Fire Department at 360-759-4418 to arrange for location approval. **(See Fire Protection Finding 4)**
- c. Fire Apparatus Access: Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. **(See Fire Protection Finding 5)**
- d. Fire Apparatus Turnarounds: - Approved fire apparatus turnarounds are required for this project. The provisions for turning around fire apparatus comply with the Clark County Road Standard. **(See Fire Protection Finding 5)**

- e. Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING". *(See Fire Protection Finding 5)*

A-11 Final Landscape Plan - The applicant shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan for the NE 132nd right-of-way.

A-12 Excavation and Grading - Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County; and,

- a. Prior to construction, demarcation of existing septic and water well systems, and underground tanks shall be established. *(See Water and Sewer Finding 2)*
- b. Prior to site construction, abandonment of septic systems, water wells and underground tanks shall be decommissioned in accordance with the procedures of the Clark County Health Department. *(See Water and Sewer Finding 2)*
- c. Prior to site construction, structures slated for demolitions shall be demolished in accordance with the procedures of the Southwest Clean Air Agency and a Clark County demolition permit. *(See Land Use Finding 4)*

B-2 Erosion Control - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control - Erosion control facilities shall **not** be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/land division plan and the following conditions of approval:

C-1 Wetlands and Buffers - Permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.) and posting of approved signage on each lot or every 100 ft of the boundary, whichever is less.

C-2 Stormwater:

The installation of infiltration systems shall be observed and documented by a licensed engineer in the State of Washington proficient in geotechnical engineering. During the construction, the geotechnical engineer shall verify that the infiltration rates used in the final stormwater analysis are obtained at the exact locations and depths of the proposed stormwater infiltration facilities. The infiltration investigation shall include laboratory analysis based on AASHTO Specification M145. The timing of representative infiltration tests will be determined at the pre-construction conference. (*See Stormwater Finding 2*)

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

D-1 A boundary line adjustment shall be completed with taxlot 200152-000 to enable Lots 1 and 11 to meet a minimum width of 35 feet, and to resolve encroachments into Lots 14-17. Failure to complete the adjustments will require adjustments to the final plat. Depending on the magnitude of the adjustments, staff reserves the right to require a post decision review of the reconfigured lots. (*See Land Use Finding 1*)

D-2 Private Road Maintenance Covenant – A private road maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g).

D-3 Verification of the Installation of Required Landscape

Prior to approval of a final plat for Phase I, the applicant shall provide verification in accordance with Section 40.320.030.B that the required street trees have been installed in accordance with the approved landscape plan. In the event that NE 132nd Avenue is bonded with Phase I, the bond amount shall include the street trees.

D-4 Abandonment of On-Site Water Wells and Sewage Systems – The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat.

D-5 Developer Covenant – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:

- a. Private Road Maintenance Covenant: A private road maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g).
- b. Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this development. Any private access street shall remain a private street, unless it is upgraded to meet applicable current road standards at the expense of the developer or abutting lot owners to include hard surface paving and is accepted by the county for public ownership and maintenance."
- c. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- d. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- e. Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.
- f. Impact Fees: "In accordance with CCC 40.610, except for one lots designated on the final plat as waived, the School, Park and Traffic Impact

Fees for each dwelling in this subdivision are: \$ 8,290 (Battle Ground School District), \$ 1,799 (\$1,359 - Acquisition; \$440 - Development for Park District #5), and \$5,539.60 (North Orchards TIF subarea) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated , and expiring on . Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-6 Utility and Annexation Covenant - The following covenants shall be submitted for recording:

- a. Covenant indicating that the owner or any subsequent owner of the property shall support annexation to a city.

D-7 Addressing - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-8 Wetlands:

- a. The wetland and buffer boundaries shall be delineated on the face of the final plat
- b. A conservation covenant shall be submitted for recording with the County Auditor that runs with the land and requires that the wetlands and buffers remain in their natural state. (*See Wetland Finding ____*)

D-9 Plat Notes - The following notes shall be placed on the final plat:

- a. Mobile Homes: "Mobile homes are not permitted on any lots subject to the requirements of CCC 40.260.130."
- b. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- c. Wetland Covenants: "Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural state. Refer to Conservation Covenant (Ref #) recorded with the Clark County Auditor for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this plat."
- d. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

- e. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- f. Driveways: "No direct access is allowed onto NE 132nd Avenue."
- g. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- h. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: _____."
- i. Temporary Turnaround: "The following party(s) is responsible for removal of the onsite temporary turnaround and construction of sidewalk in this location: _____."

E	Building Permits
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	Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:
- a. \$8,290 per dwelling for School Impact Fees (Battle Ground School Dist.)
 - b. \$1,799 per dwelling for Park District #5 (\$1,359 - Acquisition; \$440 - Development);
 - c. \$5,539.60 per dwelling for Traffic Impact Fees (North Orchards TIF Sub-area)

If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate. *(See Impact Fee Finding 1)*

F	Occupancy Permits
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	Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 None

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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G-1 Land Division - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

G-2 Department of Ecology Permit for Construction Stormwater - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

G-3 Building and Fire Safety

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

H	Post Development Requirements Review & Approval Authority: As specified below
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H-1 None

<p>Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a "hearing extension" or "open record" and shall pay the associated fee.</p>

<p>HEARING EXAMINER DECISION AND APPEAL PROCESS</p>
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This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

Motion for Reconsideration:

Any party of record to the proceeding before the hearings examiner may file with the responsible official a motion for reconsideration of an examiner's decision within fourteen (14) calendar days of written notice of the decision. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The motion must be accompanied by the applicable fee and identify the specific authority within the Code or other applicable laws, and/or specific evidence, in support of reconsideration. A motion may be granted for any one of the following causes that materially affects their rights of the moving party:

- a. Procedural irregularity or error, clarification, or scrivener's error, for which not fee will be charged;
- b. Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiners;
- c. The decision is not supported by substantial evidence in the record; or,
- d. The decision is contrary to law.

Any party of record may file a written response to the motion if filed within fourteen (14) calendar days of filing a motion for reconsideration.

The examiner will issue a decision on the motion for reconsideration within twenty-eight (28) calendar days of filing of a motion for reconsideration.

Appeal Rights:

Any party of record to the proceeding before the hearings examiner may appeal any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), to the Superior Court.

Attachments:

- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Community Development Department
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

For Employee Use Only - This is not part of the decision, but rather an attachment for processing purposes only.

Final Plans Required with Construction Plans	YES	NO
Final Landscape Plan:	x	
-On-site landscape plan		x
-Right-of-way landscape plan*	x	
Final Wetland Plan	x	
Final Habitat Plan		x

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

Case Number:

Setback Requirements by Lot

[illegible]

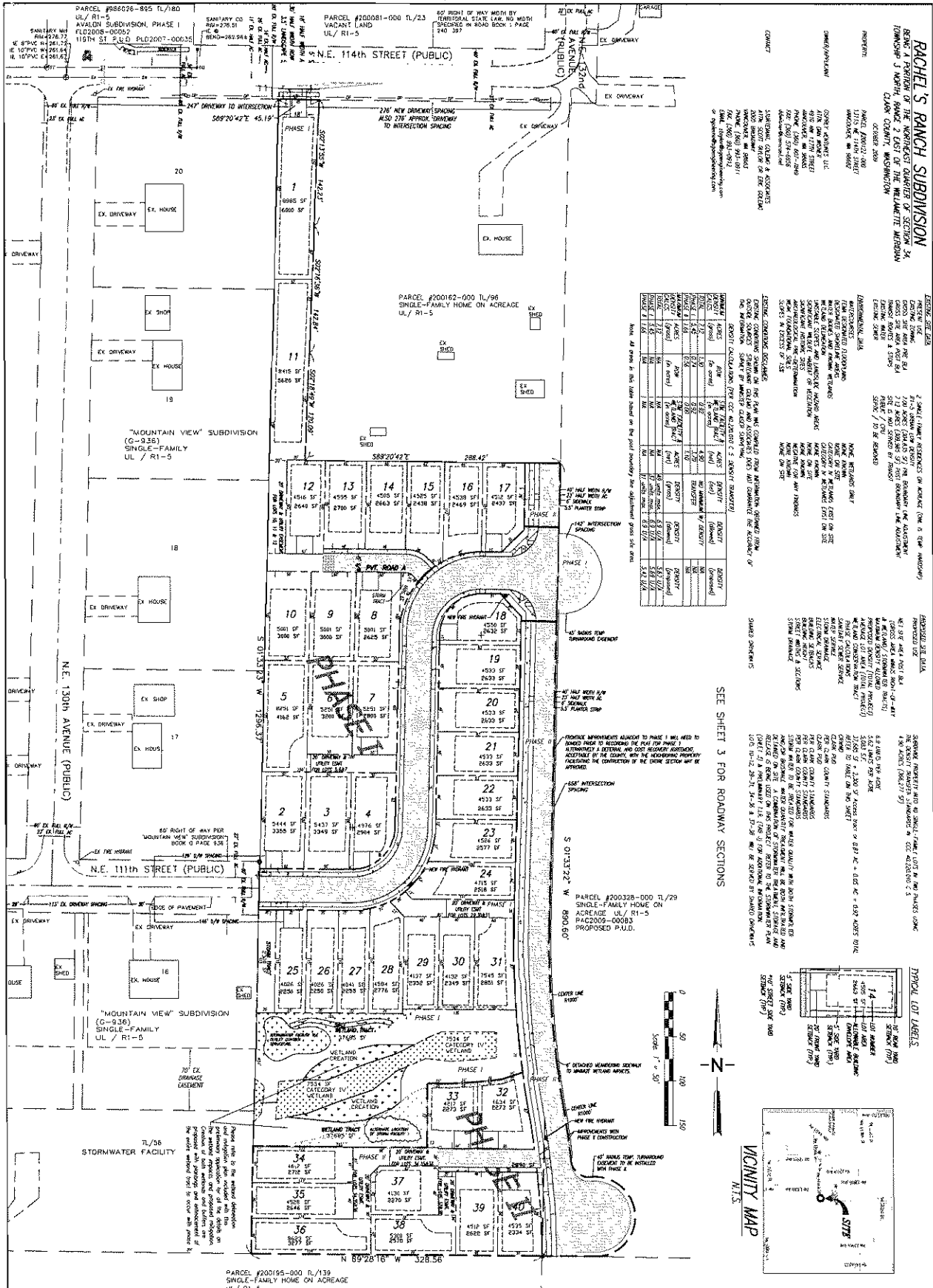
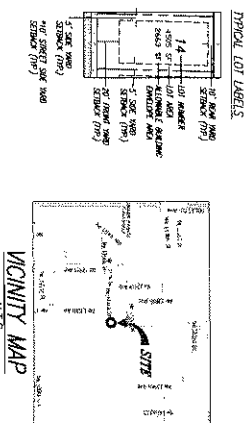


Table of lot data with columns: LOT, AREA (SQ. FT.), ACRES, REMARKS.

SEE SHEET 3 FOR ROADWAY SECTIONS





HEARING EXAMINER EXHIBITS

Project Name: RACHEL'S RANCH

Case Number: PLD2009-00051; SEP2009-00088; VAR2009-00014;
WET2009-00066; BLA2009-00035; EVR2009-00047

Hearing Date: January 14, 2010

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5	10/8/09	Applicant: Sturtevant, Golemo & Associates	Preliminary Plat, Existing Conditions Plan, Preliminary Street, Stormwater & Erosion Control Plan, Preliminary Landscape Plan, Boundary Line Adjustment Plan,
6	10/8/09	Applicant: Sturtevant, Golemo & Associates	Application for Subdivision and SEPA with Submittal Checklist, Pre-App Conference Report, GIS Packet, Narrative, Legal Lot Information, Preliminary Plats Abutting the Site, Preliminary Boundary Survey, Boundary Line Adjustment Application, Geotechnical Report, Preliminary Stormwater Report, Engineer's Statement, Traffic Study, Site Distance Certification, Circulation Plan, SEPA Checklist, Utility Reviews, Health Dept Review, Archaeological Pre-determination and DAHP Letter of Response, Wetland Pre-determination, Wetland Permit-Type II, Wetland and Buffer Mitigation Plan, School Bus Letter, Type II Administrative Variance for Storm Infiltration in Right-of-way, Road Modification Application and Narrative, Reduced Plan, Preliminary Plans with BLA Plan
7	10/29/09	CC Development Services	Development Review Fully Complete Determination
8	11/10/09	CC Development Services	Affidavit of Mailing Public Notice

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
9	11/10/09	CC Development Services	Notice of Type III Review Application, Optional SEPA Determination of Non-Significance and Public Hearing
10 includes 10a-i	11/22/09	Howard Foreman	Comments and photos regarding flooding at nearby properties
11	11/25/09	Applicant: Sturtevant, Golemo & Associates	Response to Foreman comments regarding flooding at nearby properties
12	11/25/09	Department of Ecology	SEPA comments
13	12/09/09	Applicant: Sturtevant, Golemo & Associates	Additional stormwater information
14	12/11/09	Applicant: Sturtevant, Golemo & Associates	Revised plat with new phasing lines
15	12/21/09	Applicant: Sturtevant, Golemo & Associates	Re-revised plat (different from Exhibit 14) . Replaces Sheet 1 of original Exhibit 5 plans.
16	12/21/09	Applicant: Sturtevant, Golemo & Associates	Revised stormwater plan and report. Stormwater plan replaces Sheet 3 of original Exhibit 5 plans.
17	12/10/09	Applicant: Sturtevant, Golemo & Associates	Request to bond 132 nd Avenue improvements with Phase I
18	12/22/09	CC Development Services	Wetland Determination
19	12/23/09	CC Development Services	Memo regarding wetland mitigation balance
20	12/18/09	Applicant: Sturtevant, Golemo & Associates	Email summarizing stormwater issues addressed in revised stormwater report, Ex. 16
21	12/23/09	Applicant: Sturtevant, Golemo & Associates	Unsigned agreement letter for offsite turnarounds
22	12/23/09	Applicant: Sturtevant, Golemo & Associates	Email Re: Road Agreement

23	12/30/09	CC Development Services	Affidavit of Posting Public Notice
24	12/30/09	CC Development Services – Jan Bazala, the Project Planner	Type III Development & Environmental Review, Staff Report & Recommendation
25			

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division
1300 Franklin Street
Vancouver, WA 98666-9810